

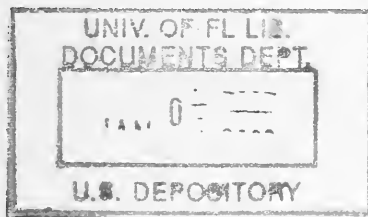
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

TRUCKING INDUSTRY

AS APPROVED ON SEPTEMBER 12, 1934



UNITED STATES
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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TRUCKING INDUSTRY

As Approved on September 12, 1934

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
TRUCKING INDUSTRY**

WHEREAS, an application has been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Trucking Industry; and

WHEREAS, an opportunity has been duly afforded to all members of the Industry to object to said amendment; and

WHEREAS, the annexed report on said amendment containing findings with respect thereto has been made and directed to the President; and

WHEREAS, in my order dated May 10, 1934 approving the Budget submitted by the Code Authority for said Industry I specified that no payments be made by the Code Authority for the expenses of establishing the Code except upon my further order;

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved; and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

And I do further order that said Budget with the exception of that portion thereof allocated by said Code Authority to the expenses of establishing said Code be and the same is hereby reapproved, provided, however, that no funds collected by said Code Authority

after the date of this Order shall be used for the purpose of defraying the expenses of establishing the Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

L. H. PEEBLES,
Acting Division Administrator.

WASHINGTON, D.C.,
September 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Code of Fair Competition for the Trucking Industry. The amendment was submitted by the National Code Authority for said Industry and was published on August 10, 1934. Opportunity to file objections was afforded to all interested parties, and during the period designated to permit such opportunity, no objections were received.

In final form this amendment has been approved by the Industrial Advisory Board, the Labor Advisory Board, the Consumers' Advisory Board, the Research and Planning Division and the Legal Division of the National Recovery Administration.

The Acting Deputy Administrator in his final report to me on the amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in any other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SEPTEMBER 12, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

Amend Article III, A(1) by striking out Subsection (h), and changing the lettering of the Subsections following accordingly.

Strike out from line three of Article III, A(1) Subsection (i) the words "have assented to and".

Strike out from line six of Article III, A(3) the words "assenting to the Code".

Amend Article III, B, by striking out Section 4 and substituting the following:

4. It being found necessary in order to support administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the National Code Authority is authorized,

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval subject to such notice and opportunity to be heard as he may deem necessary—

(1) An itemized budget of its estimated expenses for the foregoing purpose, and

(2) An equitable basis upon which the funds necessary to support such budget shall be contributed by the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end if necessary, to institute legal proceedings therefor in its own name.

5. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinbefore provided, (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

6. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficient item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Amend Article III, B, by changing the numbering of the present Section 5 to Section 7.

Approved Code No. 278—Amendment No. 3.
Registry 1411-61.

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